

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHRYN TOWNSEND GRIFFIN, THE ESTATE
OF CHERRIGALE TOWNSEND and THE HELEN
CHRISTINE TOWNSEND MCDONALD TRUST,

Plaintiffs,

-against-

EDWARD CHRISTOPHER SHEERAN, p/k/a ED
SHEERAN, ATLANTIC RECORDING
CORPORATION, d/b/a ATLANTIC RECORDS, and
SONY/ATV MUSIC PUBLISHING, LLC,

Defendants.

ECF CASE

17-cv-5221 (LLS)

**REPLY DECLARATION OF
DONALD S. ZAKARIN
IN FURTHER SUPPORT
OF DEFENDANTS' SECOND
MOTION *IN LIMINE***

I, DONALD S. ZAKARIN, declare as follows:

1. I am a member of Pryor Cashman LLP, counsel for defendants Edward Christopher Sheeran ("Sheeran"), Atlantic Recording Corporation d/b/a Atlantic Records ("Atlantic") and Sony/ATV Music Publishing LLC ("SATV," together with Sheeran and Atlantic, the "Defendants"). I have personal knowledge of, and am fully familiar with, the facts set forth in this Declaration, which I respectfully submit in support of Defendants' Second Motion *In Limine*.

2. The purpose of this Reply Declaration is to provide the Court with documents referenced in Defendants' Reply Memorandum of Law in further support of their Second Motion *In Limine*.

3. Annexed as **Exhibit 1** is a true and correct copy of the California District Court's July 22, 2020 opinion in *Smith v. The Weeknd*, Case No. 19-cv-2507 (PA) (MRWx).

4. Annexed as **Exhibit 2**, as an aid to the Court, is a chart that identifies critical undisputed facts and legal authorities, where those undisputed facts can be found in the motion papers and the citations for those undisputed legal authorities. Each of the facts and legal

authorities have either been admitted by Plaintiffs or have simply been ignored by Plaintiffs in their opposition and hence are unrebutted.

5. Annexed as **Exhibit 3** are true and correct excerpts of the deposition testimony of Helen McDonald dated April 24, 2018.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 29, 2020

A handwritten signature in black ink, appearing to read 'Donald S. Zakarin', written over a horizontal line.

DONALD S. ZAKARIN